

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last Revised September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **3:20-bk-10786**

Judge _____

LaVecchia, Thomas

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **July 6, 2020**

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: **DES**

Initial Debtor: **TL**

Initial Co-Debtor:

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ **500.00** per **month** to the Chapter 13 Trustee, starting on **2/01/2020** for approximately **60** months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☒ Other sources of funding (describe source, amount and date when funds are available):
Monies from sale of 11 Sea Point Drive, Pt. Pleasant, NJ pursuant to Order dated April 16, 2020
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
Description:
Proposed date for completion: _____
☐ Refinance of real property
Description:
Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
State Of NJ- Division Of Taxation	Taxes	5,238.00
Standing Chapter 13 Trustee	507(a)(1) Admin Exp.	To be determined

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: [] NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Specialized Loan Servicing/Sls	1115 129th St, College Point, NY 11356-1943	6,397.23	0.00%	6,397.23	4,302.87

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [X] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
US Bank Home Mortgage	11 Sea Point Dr, Point Pleasant Beach, NJ 08742-4837	364,000.00	0.00

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Capital One Auto Finance
Mr. Cooper - Mortgage on 5 Division Street, Brick, NJ

g. Secured Claims to Be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*
 Not less than _____ percent
☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
None				

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
None						

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [X] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 7/6/2020

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
Plan is being modified to remove sale of 11 Sea Point Drive, Pt. Pleasant, NJ due to a Motion for Relief Order dated April 16, 2020.	Plan was modified by removing the sale of 11 Sea Point Drive, Pt. Pleasant, NJ and showing Debtor's proceeds from the sale to be turned over to the Trustee pursuant to Motion for Relief Order dated April 16, 2020.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: July 6, 2020

/s/ Thomas LaVecchia

Debtor

Date: July 6, 2020

Joint Debtor

Date: July 6, 2020

/s/ Daniel E. Straffi, Jr.

Attorney for the Debtor(s)

Certificate of Notice Page 7 of 8

United States Bankruptcy Court
District of New JerseyIn re:
Thomas LaVecchia
DebtorCase No. 20-10786-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 47

Date Rcvd: Jul 15, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 17, 2020.

db +Thomas LaVecchia, 5 Division Street, Brick, NJ 08724-3511
cr +Claudine Intelisano, c/o Rebecca D. Boudwin, Esquire, Comegno Law Group, P.C.,
521 Pleasant Valley Avenue, Moorestown, NJ 08057-3209
r +Karyn Widland, Century 21 Lawrence Realty, 1831 Route 88, Brick, NJ 08724-3533
cr +Nationstar Mortgage LLC d/b/a Mr. Cooper, RAS Citron LLC, 130 Clinton Road, Suite 202,
Fairfield, NJ 07004-2927
518665981 AR Resources Inc, PO Box 1056, Blue Bell, PA 19422-0287
518665980 +Affiliate Asset Solutions, Inc., 145 Technology Pkwy Ste 100,
Peachtree Corners, GA 30092-3536
518665982 Barron Emergency Physician, PO Box 7418, Philadelphia, PA 19101-7418
518665983 Bureau of Accounts Con, 3601 US Highway 9, Howell, NJ 07731-3395
518665984 Capital One Auto Finan, Credit, Bureau DISPUTE, Plano, TX 75023
518782867 Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
518665987 Citibank/the Home Depot, Citicorp Credit Svcs/Centralized Bk dept, PO Box 790034,
Saint Louis, MO 63179-0034
518665988 Claudine Intelsiano, 11 Sea Point Dr, Point Pleasant Boro, NJ 08742-4837
518665989 +Coastal Surgery, 301 Central Ave, Egg Harbor Township, NJ 08234-8347
518665990 Comegno Law Group, P, 521 Pleasant Valley Ave, Moorestown, NJ 08057-3209
518704535 +JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A.,
c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013
518665994 Michael B. Cooke, Esq., 44 Washington St Ste 101, Toms River, NJ 08753-7662
518665995 Mosaic, PO Box 820, Scottsdale, AZ 85252-0820
518665996 Mr. Cooper, Attn: Bankruptcy, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
518747981 +NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, P.O. Box 619096, Dallas TX 75261-9096
518665997 Nationstar/mr Cooper, 350 Highland St, Houston, TX 77009-6623
518665999 RAS Citron, LLC, 130 Clinton Rd Ste 202, Fairfield, NJ 07004-2927
518854851 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Department of Treasury,
Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
518666000 Seapoint Condominium Association, c/o Pinnacle Property Management, PO Box 1082,
Point Pleasant Boro, NJ 08742-1082
518666002 Solar Mosaic Inc, Attn: Bankruptcy, 300 Lakeside Dr Fl 24, Oakland, CA 94612-3534
518666003 +Specialized Loan Servi, 8742 Lucent Blvd, Highlands Ranch, CO 80129-2386
518748908 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
Highlands Ranch, Colorado 80129-2386
518666004 Specialized Loan Servicing/Sls, Attn: Bankruptcy Dept, 8742 Lucent Blvd Ste 300,
Highlands Ranch, CO 80129-2386
518666005 State Of NJ- Division Of Taxation, PO Box 111 Revenue Processing Center,
Trenton, NJ 08645-0111
518744454 +TD Bank, N.A., c/o Schiller Knapp Lefkowitz, & Hertzell LLP, 950 New Loudon Road,
Latham New York 12110-2100
518666008 Thd/Cbna, PO Box 6497, Sioux Falls, SD 57117-6497
518735981 +US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
(address filed with court: U.S. Bank National Association, c/o U.S. Bank Home Mortgage,,
a division of U.S. Bank N.A., 4801 Frederica Street, Owensboro, Kentucky 42301)
518666010 US Bank Home Mortgage, 4801 Frederica St, Owensboro, KY 42301-7441
518666009 +US Bank Home Mortgage, Attn: Bankruptcy, 800 Nicollet Mall, Minneapolis, MN 55402-2511

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 16 2020 00:54:35 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 16 2020 00:54:32 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
518665985 E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Jul 16 2020 01:02:40
Capital One Auto Finance, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
518673147 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jul 16 2020 01:03:51
Capital One Auto Finance, a division of, AIS Portfolio Services, LP,
4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
518745143 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jul 16 2020 01:02:30
Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
518665991 E-mail/Text: bk@concordservicing.com Jul 16 2020 00:54:26 Concord Servicing Corporation,
PO Box 150, Scottsdale, AZ 85252-0106
518665992 E-mail/Text: bankruptcy_notifications@ccsusa.com Jul 16 2020 00:55:02
Credit Collection Serv, PO Box 607, Norwood, MA 02062-0607
518665986 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jul 16 2020 01:03:05 Chase Card Services,
Attn: Bankruptcy, PO Box 15298, Wilmington, DE 19850-5298
518665993 E-mail/PDF: ais.chase.ebn@americaninfosource.com Jul 16 2020 01:02:25 Jpmcb - Card Service,
PO Box 15369, Wilmington, DE 19850-5369
518665998 +E-mail/Text: bankruptcy_notifications@ccsusa.com Jul 16 2020 00:55:02
Progressive Insurance Company, PO Box 9134 C/O Credit Collection Serv, Needham, MA 02494-9134

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 47

Date Rcvd: Jul 15, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

518780942 E-mail/Text: BKRMailOps@weltman.com Jul 16 2020 00:54:39 Solar Mosaic, Inc.,
c/o Weltman, Weinberg & Reis Co., LPA, PO Box 93784, Cleveland, OH 44101-5784
518666006 E-mail/Text: bankruptcy@td.com Jul 16 2020 00:54:36 Td Bank NA, 32 Chestnut St,
Lewiston, ME 04240-7744
518666007 E-mail/Text: bankruptcy@td.com Jul 16 2020 00:54:36 Td Bank, N.A., 32 Chestnut St,
Lewiston, ME 04240-7744
518773766 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 16 2020 01:04:06 Verizon,
by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518666001 ##+Solar Mosaic Inc, 426 17th St, Oakland, CA 94612-2849

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 17, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 6, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Aleisha Candace Jennings on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
ajennings@rasflaw.com
Daniel E. Straffi on behalf of Debtor Thomas LaVecchia bkclient@straffilaw.com,
G25938@notify.cincompass.com/familyclient@straffilaw.com/bktrustee@straffilaw.com
Denise E. Carlon on behalf of Creditor Specialized Loan Servicing, LLC
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Laura M. Egerman on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Rebecca Diane Boudwin on behalf of Creditor Claudine Intelisano rboudwin@comegnolaw.com
Sindi Mncina on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8